

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1964 OF 2013

Noor Mohammed Ali Hasan Mallik	 Petitioner
<i>Versus</i>	
The State of Maharashtra	 Respondent

None for the Petitioner.

Mrs. V.R. Bhonsale, A.P.P., for the Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH NOVEMBER 2015.

P.C. :

1. Rule. Rule made returnable forthwith.
2. The grievance of the Petitioner is that he had applied for furlough on 23rd July, 2012 and the said application for furlough came to be rejected. Appeal preferred by him against the said order of rejection came to be dismissed. Hence, this Petition.
3. Note (3) to Rule 3 of the Rules Regulating the Grant of Furlough, states that,

“If at any time, a prisoner, who could have been granted furlough, is either not granted or is refused the same, the period for which he could have been granted the furlough shall not be carried forward but shall lapse”.

4. The Petitioner had preferred the application for furlough in the year 2012. In view of Note (3) to Rule 3 of the Rules Regulating the Grant of Furlough, the furlough cannot be carried forward but shall lapse. In this view of the matter, in the year 2015, it is not possible to grant furlough to the Petitioner for the year 2012. However, the Petitioner, if he desires to be released on furlough, shall make an application to the concerned authorities and the concerned authorities shall deal with it as expeditiously as possible.

5. The Writ Petition is disposed of in above terms. Rule is discharged.

6. This order be communicated to the Petitioner, who is at present lodged in Yerawada Central Prison, Pune.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]